

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY AMMAN IMMEDIATE

C O N F I D E N T I A L STATE 225240

TOSEC 116

FOLLOWING REPEAT MONTREAL 1573 ACTION SECSTATE 8 OCTOBER.

QUOTE

C O N F I D E N T I A L MONTREAL 1573

E. O. 11652: GDS

TAGS: EAIR, PGOR, ICAO, IS

SUBJ: 21ST ICAO ASSEMBLY: INFORMAL DRAFT RESOLUTION - LIMITED

USE OF JERUSALEM AIRPORT

SUMMARY: USDEL HAS OBTAINED CONFIDENTIALLY COPY OF INFORMAL DRAFT RESOLUTION BEING CIRCULATED BY JORDANIANS ON SUBJECT OF ISRAELI CONTROL OF JERUSALEM AIRPORT. USDEL CANNOT CONFIRM WHETHER OR NOT RESOLUTION WILL OR WILL NOT IN FACT BE INTRODUCED. IF RESOLUTION INTRODUCED, DEL HAS INDICATIONS IT WOULD RECEIVE AT LEAST MAJORITY SUPPORT.

1. FOLLOWING IS TEXT OF INFORMAL DRAFT AGENDA ITEM WHICH USDEL HAS OBTAINED CONFIDENTIALLY AND WHICH SHOULD BE PROTECTED:

"THE ARAB DELEGATIONS ATTENDING THE 21ST SESSION OF THE ICAO GENERAL ASSEMBLY, IN REFERRING TO THE MEMORANDUM SUBMITTED BY
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THE IRAQI DELEGATION TO THE SECRETARY GENERAL (COPY OF WHICH

IS ATTACHED IN APP. 1) AND TO THE REQUEST OF THE JORDANIAN DELEGATION TO INCLUDE THE SUBJECT OF JERUSALEM AIRPORT IN THE AGENDA ITEM, WISH TO DRAW THE ATTENTION OF THE ASSEMBLY TO THE FACT THAT JERUSALEM AIRPORT, WHICH IS OFFICIALLY REGISTERED IN THE REGIONAL PLANS AS A JORDANIAN AIRPORT, LIES IN THE ARAB OCCUPIED TERRITORIES AND, CONSEQUENTLY, THE ESTABLISHMENT OF ANY AIR SERVICES BETWEEN THE SAID AIRPORT AND ANY OTHER POINT SHOULD NOT BE APPROVED OR AUTHORIZED WITHOUT THE EXPLICIT CONSENT OF THE ARAB AUTHORITIES CONCERNED.

"MOREOVER, THE OPERATION OF ANY AIR SERVICES TO JERUSALEM AIRPORT BY ANY AIRLINE DOES NOT ONLY IMPLY AN ACT OF AGGRESSION AGAINST ARAB SOVEREIGNTY, BUT ALSO CONSTITUTES A VIOLATION TO SECURITY COUNCIL RESOLUTIONS 252 OF THE YEAR 1968, 267 OF 1969, 298 OF THE YEAR 1971, AND THE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION NO. 2949 PARAS. 7 AND 8 (TEXT OF WHICH IS ATTACHED IN APPENDIX 2). WE ARE CONVINCED THAT ALL STATES THAT HAVE ON MORE THAN ONE OCCASION CONDEMNED ISRAEL FOR THE MANY UNLAWFUL ACTS COMMITTED AGAINST THE ARAB NATION, WHETHER BY PARTICIPATING IN THE FORMULATION AND ADOPTION OF THE UNITED NATIONS RESOLUTIONS NO. 242, 2949, AND 338 OR BY EXPRESSING THEIR BELIEF THAT LAND CANNOT BE ACQUIRED BY FORCE SHALL NOT BE A PARTY TO ANY SUCH PLAN BY ISRAEL, WHICH IF CARRIED OUT, WILL BE IN VIOLATION OF ICAO CHARTER AND ALL UNITED NATIONS RESOLUTIONS REFERRED TO ABOVE. "ICAO ASSEMBLY IS THEREFORE INVITED, IN THE LIGHT OF ABOVE FACTS, TO ADOPT THE FOLLOWING DRAFT RESOLUTION:

USE OF JERUSALEM AIRPORT FOR
INTERNATIONAL TRAFFIC

WHEREAS
JERUSALEM AIRPORT LIES IN THE ARAB OCCUPIED TERRITORIES
AND IS REGISTERED UNDER THE JURISDICTION OF JORDAN IN
ICAO MIDDLE EAST AIR NAVIGATION PLAN;

WHEREAS
PARAGRAPH 7 OF THE UNITED NATIONS GENERAL ASSEMBLY
RESOLUTION NO. 2949 DECLARES THAT CHANGES CARRIED OUT
BY ISRAEL IN THE OCCUPIED ARAB TERRITORIES IN CONTRAVENTION
OF THE GENEVA CONVENTION OF 1949 ARE NULL AND VOID, AND CALLS
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UPON ISRAEL TO RESCIND FORTHWITH ALL SUCH MEASURES AND TO
DESIST FROM ALL POLICIES AND PRACTICES AFFECTING THE PHYSICAL
CHARACTER OR DEMOGRAPHIC COMPOSITION OF THE OCCUPIED ARAB
TERRITORIES;

WHEREAS
PARAGRAPH 8 OF THE ABOVE MENTIONED RESOLUTION CALLS UPON
ALL STATES NOT TO RECOGNIZE ANY SUCH CHANGES AND MEASURES

CARRIED OUT BY ISRAEL IN THE OCCUPIED ARAB TERRITORIES
AND INVITES THEM TO AVOID ACTIONS, INCLUDING ACTIONS IN THE
FIELD OF AIR, THAT COULD CONSTITUTE RECOGNITION OF THAT OCCU-
PATION;

WHEREAS

ARTICLES 1, 5, AND 6 OF THE CONVENTION ON INTERNATIONAL
CIVIL AVIATION PROVIDE THAT CONTRACTING STATES RECOGNIZE
THAT EVERY STATE HAS COMPLETE AND EXCLUSIVE SOVEREIGNTY
OVER THE AIRSPACE ABOVE ITS TERRITORY, AND THAT SCHEDULED
OR NON-SCHEDULED INTERNATIONAL AIR SERVICES MAY BE
OPERATED OVER OR INTO THE TERRITORY OF A CONTRACTING
STATE EXCEPT WITH THE SPECIAL PERMISSION OR OTHER
AUTHORIZATION OF THAT STATE;

THE ASSEMBLY RESOLVES

THAT ALL CONTRACTING STATES SHOULD IN IMPLEMENTATION OF THE
ABOVE RELEVANT UNITED NATIONS GENERAL ASSEMBLY RESOLUTIONS
AND ARTICLES OF THE CONVENTION ON INTERNATIONAL CIVIL
AVIATION TAKE ALL NECESSARY MEASURES TO REFRAIN FROM OPERATING,
OR GIVING PERMISSION TO OPERATE TO ANY AIRLINE, ANY AIR SERVICE
WHETHER SCHEDULED OR NON-SCHEDULED TO OR FROM JERUSALEM AIRPORT,
EXCEPT WITH THE SPECIAL PERMISSION OR AUTHORIZATION OF THE
JORDANIAN AUTHORITIES CONCERNED."

2. FOLLOWING IS TEXT OF EMBASSY OF IRAQ, OTTAWA, NOTE TO ICAO
SECGEN DATED SEPTEMBER 17, 1974.

"THE DELEGATION OF THE REPUBLIC OF IRAQ TO THE INTERNATIONAL
CIVIL AVIATION ORGANIZATION PRESENTS ITS COMPLIMENTS TO THE
SECRETARY GENERAL OF ICAO AND HAS THE HONOUR TO DRAW THE ATTEN-
TION TO THE FACT THAT THE ISRAELI OCCUPYING AUTHORITIES, IN
THEIR SUCCESSIVE EFFORTS TOWARD THE JUDAIZATION OF JERUSALEM
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AND IMPOSING SUCH DE FACTO POLICY, ARE PLANNING TO USE THE JERUSALEM
AIRPORT FOR TOURISTIC PURPOSES AND TO RECEIVE REGULAR AND
CHARTERED INTERNATIONAL FLIGHTS.SUCH AN ACTION IS A CLEAR DEFI-
ANCE OF UNITED NATIONS CHARTER AND RESOLUTIONS ADOPTED BY BOTH
THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL, AND IN PARTICULAR
RESOLUTIONS #252, 267, 298 OF THE YEARS 1968, 1969, 1971.

"DUE TO THE FACT THAT YOUR ORGANIZATION IS A SPECIALIZED AGENCY
OF THE UNITED NATIONS, THE DELEGATION OF THE REPUBLIC OF IRAQ
WOULD LIKE TO SUBMIT THIS MATTER TO YOUR URGENT CONSIDERATION
ASKING FOR YOUR INTERVENTION TO PASS A RESOLUTION BY WHICH ALL
MEMBERS OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION SHALL
REFRAIN FROM USING THE JERUSALEM AIRPORT BY THEIR OWN FLIGHTS
FOR ANY PURPOSE WHICH MIGHT SERVE THE ISRAELI AIM,AND TO TAKE
IMMEDIATE ACTION TO CONDEMN THE ISRAELI PLAN AND TO CALL UPON

ISRAELI AUTHORITIES TO RESCIND ALL MEASURES ALREADY TAKEN AND TO
DESIST FORTHWITH FROM TAKING ANY ACTION WHICH WOULD ALTER THE
STATUS OF JERUSALEM, WHICH IS AN ARAB CITY OCCUPIED ILLEGALLY
AND FORCEFULLY BY ISRAELI MILITARY CONQUEST."
HARPER UNQUOTE
INGERSOLL

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